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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,480	12/07/2000	William C.Y. Lee	G&C 139.146-US-U1	2461

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EXAMINER
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TSEGAYE, SABA

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/733,480

Applicant(s)

LEE ET AL.

Examiner

Saba Tsegaye

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. This Office Action is in response to Pre-Brief Appeal conference request filed 01/03/06. Claims 1-24 are pending. Currently no claims are in condition for allowance.

### *Claim Rejections - 35 USC § 103*

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjalmtysson et al. (US 6,493,325 B1) in view of Palermo (6,181,734 B1).

Regarding claims 1, 5, 9, 13, 17 and 21, Hjalmtysson disclose a method and system facilitate telephony over computer-based networks by which a party can encode a telephone call and notify the receiver of the call of the encoding or decoding technique appropriate for conducting the call. As shown in figs 1 and 2, internet phone 131 or standard telephone 125 (calling party) can notify the other internet phone 132 (called party) at beginning of the call and identify the coding/decoding technique the calling party wishes to use in connection with a telephone call to be completed between the calling party and the called party. Once notification is provided the called party can retrieve the decoder and encoder technique in software responding to the encoding technique identified by going to the location identified by the indirect reference or by simply loading the information directly received form the calling party. The called party can store the coding/decoding information either temporarily or permanently for further use (column 4, lines 14-42; column 5, line 64-column 6, line 24). However, Hjalmtysson does not expressly disclose loading one of a plurality of software-defined vocoders into the **called party's handset**.

Palermo teaches a radio communication system wherein a vocoder is loaded into the called party's handset based on the type of network (column 6, lines 3-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a system that loads a vocoder into the called party's handset, such as suggested by Palermo, in the system of Hjalmtysson. Doing so, the called party would easily adapt to the signaling requirements of the calling party by avoiding negotiation of signaling standards between the calling party and the called party (see Hjalmtysson; column 2, lines 12-14).

Regarding claims 2, 6, 10, 14, 18 and 22, Hjalmtysson discloses communication between telephone 126 and Internet phone 131 through different networks (Internet; PSTN). However, Hjalmtysson does not disclose vocoding conversions at the handset.

Palermo teaches a radio that includes a memory in which software for specific waveforms is stored (see fig. 8). The radio further includes one or more processors, which extract waveform specific software to process information for transmission or reception.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a system that vocoding conversions at the handset, such as suggested by Palermo, in the system of Hjalmtysson in order the radio user selects stored vocoders on demand as communications requirement dictate (column 1, lines 61-63).

Regarding claims 3, 7, 11, 15 and 24, Hjalmtysson discloses that once the notification is provided the called party can retrieve the decoder and encoder technique by going to the location

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identified by the indirect reference or by simply loading the information directly received from the calling party.

Regarding claims 4, 8, 12, 16 and 20, Hjalmtysson discloses the method wherein the notification is transmitted during call setup (column 4, lines 4-8).

Regarding claims 19 and 23, Hjalmtysson discloses that once the notification is provided the called party can retrieve the decoder and encoder technique by going to the location identified by the indirect reference or by simply loading the information directly received from the calling party. However, Hjalmtysson does not disclose vocoding conversions at the handset.

Palermo teaches a radio that includes a memory in which software for specific waveforms is stored (see fig. 8). The radio further includes one or more processors, which extract waveform specific software to process information for transmission or reception.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a system that vocoding conversions at the handset, such as suggested by Palermo, in the system of Hjalmtysson in order the radio user selects stored vocoders on demand as communications requirement dictate (column 1, lines 61-63).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST

February 21, 2006



HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
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